IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 6880 OF 2000

Jeejamata Mahila Bahu Uddeshiya
Sahakari Audyogic Sanstha ..... Petitioner.

versus

Minister of State for Food and
Civil Supplies and Soncumer
Protection and others ..... Respondents.

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Shri P.K. Dhakephalkar for the petitioner.
Shri S.R. Nargolkar AGP for the State - respondents 1 to 4.

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CORAM ; V.G.PALSHIKAR &
MRS. RANJANA DESAI, JJ.

DATED; 23RD AUGUST, 2004.

P.C.;

1. By this petition, the petitioner challenges the order passed by the Government in exercise of its Suo Motu powers cancelling the authorisation/licence given to the petitioner society to distribute kerosene. The contention on behalf of the petitioner is that all facts stated in the petition are not controverted. Averments appearing in para 5 of the impugned order are incorrect. Factual dates are incorrect and therefore the interference by the Minister is liable to be struck down.

2. Since the facts are uncontroverted, it is obvious that the assertion in this petition will have to be accepted as true. The facts which concerned Minister has observed i.e. the existence of two other licences operative in the village and the population of the village, it is not necessary that the third licence should be continued. Taking into consideration this aspect, grant of licence to the petitioner society was cancelled.

3. In our view, there is no reason to interfere in such a case because no injustice is caused to any person. The petitioner society is a society of women established for multipurpose avocation and within its jurisdiction, distribution of kerosene is one of the many functions which the society has. If that function is taken away, no substantial injury can be caused to the petitioner. In such circumstances, there is no need to exercise extra ordinary jurisdiction of this court under Article 226 of the Constitution. Petition accordingly dismissed.

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